



1654  
JLH

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Gallaher, Robert. Attorney Docket No. RNBO-1-1003  
Serial No.: 10/091,709 Group Art Unit: 1654  
Filing Date: March 5, 2002 Examiner: Patten, Patricia A  
Title: METHODS AND COMPOSITIONS FOR TREATING MICROTUBULE-MEDIATED INFECTIONS AND LESIONS

RECEIVED

TRANSMITTAL LETTER

APR 25 2003

TO THE COMMISSIONER FOR PATENTS:

TECH CENTER 1600/2900

Enclosed with this transmittal is:

1. Response to Restriction and Reconsideration of Restriction Requirement  
Under 37 CFR 1.43.
2. Return postcard.

Respectfully submitted,  
BLACK LOWE & GRAHAM<sup>PLLC</sup>

Mark D. Byrne  
Registration No. 50,125  
Direct Dial: 206.957.2481

MAIL CERTIFICATE

I hereby certify that this communication is being deposited with the United States Postal Service via US Mail under 37 C.F.R. § 1.08 on the date indicated below addressed to: Assistant Commissioner for Patents, Washington D.C. 20231.

4/18/03  
Date of Deposit

Cora Fedornock  
Cora Fedornock



25315

PATENT TRADEMARK OFFICE

RNBO-1-1003TL01

- 1 -

BLACK LOWE & GRAHAM<sup>PLLC</sup>

816 Second Avenue  
Seattle, Washington 98104  
206.381.3300 • F: 206.381.3301

RECEIVED

TECH CENTER 1600/2900

APR 25 2003

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Gallaher, Robert. Attorney Docket No. RNBO-1-1003  
Serial No.: 10/091,709 Group Art Unit: 1654  
Filing Date: March 5, 2002 Examiner: Patten, Patricia A  
Title: METHODS AND COMPOSITIONS FOR TREATING MICROTUBULE-MEDIATED INFECTIONS AND LESIONS



**RESPONSE TO RESTRICTION AND RECONSIDERATION OF RESTRICTION REQUIREMENT UNDER 37 CFR 1.43**

TO THE COMMISSIONER FOR PATENTS:

Per Office Action dated March 19, 2003, Claims 1-20 are subject to a restriction and/or an election requirement. The restriction requirement is between inventions I (Claims 1-7, drawn to a method for treating a viral infection via delivery by parental route), invention II (Claims 8-13, drawn to a method for treating a viral infection via delivery via oral, anal, aural, ocular, and nasal routes), and invention III (Claims 14-20, drawn to a method for treating a viral infection via delivery by topical route). The Office Action requires election of one invention between inventions I, II, or III.

The Office Action further requires election of a single disclosed species of compounds, such as taxanes or taxoids or eletherobin for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable.

With regards to invention election, Applicant provisionally elects, with traverse, invention III, Claims 14-20, drawn to a method for treating a viral infection via delivery by topical route.

With regards to election of a single disclosed species of compounds, Applicant provisionally elects, with traverse, taxanes.



25315

PATENT TRADEMARK OFFICE

Traverse is made on the grounds that the method claims of invention III sufficiently links the methods claims of invention II, and that the method claims of invention II are sufficiently linked to the method claims of invention I, because all method claims utilize compounds that treat viral infections by targeting microtubule related processes.

Accordingly, Applicant respectfully requests reconsideration of the restriction requirement.

Respectfully submitted,  
BLACK LOWE & GRAHAM<sup>PLLC</sup>

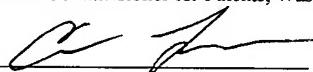


Mark D. Byrne  
Registration No. 50,125  
Direct Dial: 206.957.2481

MAIL CERTIFICATE

I hereby certify that this communication is being deposited with the United States Postal Service via US Mail under 37 C.F.R. § 1.08 on the date indicated below addressed to: Assistant Commissioner for Patents, Washington D.C. 20231.

4-18-03  
Date of Deposit

  
Cora Fedornock



25315

PATENT TRADEMARK OFFICE

- 2 -

RNBO-1-1003Restriction

BLACK LOWE & GRAHAM<sup>PLLC</sup>



816 Second Avenue  
Seattle, Washington 98104  
206.381.3300 • F: 206.381.3301